



STATE OF WASHINGTON  
**WASHINGTON STATE BOARD OF HEALTH**

*PO Box 47990 • Olympia, Washington 98504-7990*

December 13, 2006

**TO:** Washington State Board of Health Members

**FROM:** Keith Higman, Chair, Environmental Health Committee

**SUBJECT: REQUEST FOR DELEGATION - WAC 246-282-005,  
SANITARY CONTROL OF SHELLFISH**

**Background and Summary**

The Washington State Board of Health has authority to adopt rules controlling the sanitary growing and distribution of molluscan shellfish under Chapter 69.30 RCW. The Board has adopted such rules as Chapter 246-282 WAC. These rules have historically referenced standards of the United States Food and Drug Administration (FDA) called the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish. The NSSP standards make up a national consensus code developed by the FDA in conjunction with shellfish-producing states and representatives of the molluscan shellfish industry.

The Board delegated the last update of WAC 246-282-005 WAC to the Department of Health (DOH) in July 2005, which resulted in the adoption of the 2003 Guide for the Control of Molluscan Shellfish. In order to reference the most current version of the NSSP standards, DOH is again requesting the Board delegate its authority to update WAC 246-282-005.

This revision of WAC 246-282-005 would merely update the rule to reference the 2005 edition of the NSSP Guide for the Control of Molluscan Shellfish, without changes to those standards. The rule revision would be a simple process, exempt from significant analysis. The latest version of this consensus code must be adopted in its entirety to enable molluscan shellfish growers in Washington State to continue to ship their products in interstate commerce. These conditions meet the criteria for delegation set in a Board policy adopted in 2000. A copy of the delegation policy is attached.

**Recommended Board Action**

I recommend the Board consider the following motion:

***The Board delegates to the Department of Health authority to adopt a revision to WAC 246-282-005 for the purpose of referencing the 2005 version of the National Shellfish Sanitation Program's Guide for the Control of Molluscan Shellfish.***